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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,848	07/24/2001	Kim Powell	ORCL 2000-069-01	6014

7590 07/17/2007  
WAGNER, MURABITO & HAO LLP  
Third Floor  
Two North Market Street  
San Jose, CA 95113

EXAMINER
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DASS, HARISH T

ART UNIT	PAPER NUMBER
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3693

MAIL DATE	DELIVERY MODE
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07/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/912,848	<b>Applicant(s)</b> POWELL ET AL.	
	<b>Examiner</b> Harish T. Dass	<b>Art Unit</b> 3693	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4/10/07.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alaia et al (hereinafter Alaia – US 20020046148) in view of Langseth et al. (hereinafter Langseth US 6,671,715) and Parsons et al. (hereinafter Parsons – US 6,871,214).

Re. Claim 1, Alaia discloses b) conducting an auction wherein bid information received from the remote bidders is compared to determine a bid status and wherein the bid status is used to determine the bid status updates for the remote bidders [Figures 6A-9B, para. 0026, 0030-0034, 0040], c) disseminating the bid status updates to the remote bidders via the distributed computer network in accordance with the update configuration information [Figures 6A-6D and associated paragraph page 1, para. 0069-0072], and d) designating an auction winner at the conclusion of the auction in accordance with a most competitive bid of the bid status [para. 0137, 0158].

Alaia does not explicitly disclose receiving update configuration information from remote bidders via a distributed (broadcast) computer network, the update configuration information for receiving bid status updates. However, Langseth disclose [Abstract; Figure 2A; col. 3 lines 12-21; col. 5 lines 35-55; col. 11 lines 27-30; col. 13 lines 40-47]

to allow a subscriber (user) a personalized service and receiving timely financial service content. It is known that stocks are auction and bided by the traders on exchange and the price/volume (status) is feed back to the traders and public. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Alaia and include receiving update configuration information from remote bidders via a distributed computer network, the update configuration information for receiving bid status updates (stock price), as disclosed by Langseth, to provide customized financial information/alert at a right time based on the users preference. Parsons discloses including a time interval for receiving alerts (preconfigured or dynamically configured by the user to send only messages at certain time interval\_) [abstract; col. 6 line 18 to col. 8 line 2]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Alaia and Langseth and include a time interval for receiving alerts, as disclosed by Parsons to send only messages at certain time intervals, hence the user is not overwhelmed by the alerts.

Re. Claim 2, Alaia discloses accessing a specification for an item for the auction, the specification for the item provided by the seller [para. 0007, 0008-0009, 0074, see buyer-bidding auction].

Re. Claim 3, Alaia discloses specifying initial conditions for the auction, the initial conditions including an allotted time for the auction [para. 0091, 0142, 0181].

Re. Claim 4, Alaia discloses 4. The method of Claim 1 further including the step of: selecting the time interval for the update configuration information by using a graphical user interface of a browser [Figure 3 # 10 & #30, para. 0008, 0026, 0174 – priceline website inherent GUI of a browser].

Re. Claim 5, Alaia discloses wherein the time interval for the update configuration information allows the remote bidders to receive the bid status updates automatically in accordance with the time interval [Figures 6A-9B, para. 0026, 0030-0034, 0037, 0040].

Re. Claim 6, Alaia discloses adjusting the time interval for the update configuration information dynamically as the auction is conducted [para. 0100-0102].

Re. Claim 7, Alaia discloses changing a specification for the item for the auction dynamically as the auction is conducted [para. 0055-0056, 0124], and disseminating the changed specification for the item to the remote bidders via the distributed computer network in accordance with the update configuration information [para. 0026, 0027, 0030].

Re. Claim 8, Alaia discloses storing the update configuration received from the remote bidders at an exchange server host to enable the providing of the bid status to the remote bidders [para. 0026-0027, 0100].

Re. Claim 9, Alaia discloses wherein the distributed computer network is the Internet [para. 026].

Re. Claim 10, Alaia discloses a) accessing a specification for items for the auction [para. 0007-0009, 0074, see database to get information],

b) accessing initial conditions for the auction, the initial conditions including an allotted time for the auction [para. 0091, 0142, 0181], d) conducting an auction wherein bid information received from the remote bidders is compared to determine a bid status and wherein the bid status is used to determine the bid status updates for the remote bidders [Figures 6A-9B, para. 0026, 0030-0034, 0040], e) disseminating the bid status updates to the remote bidders via the distributed computer network in accordance with the update configuration information [Figures 6A-6D and associated paragraph page 1, para. 0069-0072], and f) designating an auction winner at the conclusion of the auction in accordance with a most competitive bid of the bid status [para. 0137, 0158].

Alaia does not explicitly disclose receiving update configuration information from remote bidders via a distributed computer network, the update configuration information for transmitting bid status updates to the remote bidders. However, Langseth disclose [Abstract; Figure 2A; col. 3 lines 12-21; col. 5 lines 35-55; col. 11 lines 27-30; col. 13 lines 40-47] to allow a subscriber (user) a personalized service and receiving timely financial service content. It is known that stocks are auction and bided by the traders on exchange and the price/volume (status) is feed back to the traders and public. It would have been obvious at the time the invention was made to a person having ordinary skill

in the art to modify the disclosure of Alaia and include receiving update configuration information from remote bidders via a distributed computer network, the update configuration information including a time interval for receiving bid status updates (stock price), as disclosed by Langseth, to provide customized financial information/alert at a right time based on the users preference.

Parsons discloses including a time interval for transmitting alerts (preconfigured or dynamically configured by the user to send only messages at certain time interval\_) [abstract; col. 6 line 18 to col. 8 line 2]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Alaia and Langseth and include a time interval for receiving alerts, as disclosed by Parsons to send only messages at certain time intervals, hence the user is not overwhelmed by the alerts.

Re. Claim 11, Alaia discloses receiving the time interval for the update configuration information from a graphical user interface of a browser on a client machine [Figure 3 # 10 & #30, para. 0008, 0026, 0027, 0030, 0174 – priceline website inherent GUI of a browser].

Re. Claim 12, Alaia discloses wherein the time interval for the update configuration information causes the server to transmit the status updates to the remote bidders automatically in accordance with the time interval [Figures 6A-9B, para. 0026, 0030-0034, 0037, 0040].

Re. Claim 13, Alaia discloses adjusting the time interval for the update configuration information dynamically as the auction is conducted [para. 0100-0102].

Re. Claim 14, Alaia discloses changing a specification for an item for the auction dynamically as the auction is conducted [para. 0055-0056, 0124], and disseminating the changed specification for the item to the remote bidders via the distributed computer network in accordance with the update configuration information [para. 0026, 0027, 0030].

Re. Claim 15, Alaia discloses storing the update configuration received from the remote bidders at an exchange server host to enable the providing of the bid status to the remote bidders [para. 0026-0027, 0100].

Re. Claim 16, Alaia discloses wherein the distributed computer network is the Internet [para. 026].

Re. Claim 17, Alaia discloses accessing a specification for an item for the auction, the specification for the item provided by the buyer [para. 00017, 0007-0009, 0074].

### ***Response to Arguments***

2. Applicant's arguments with respect to independent claims have been considered but are moot in view of the new ground(s) of rejection.

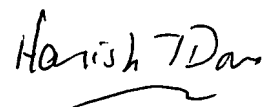


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Harish T Dass  
Examiner  
Art Unit 3693



7/09/07